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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,452	11/08/2001	Phillip Kent Freyman	PD05979AM	7149
22917	7590	05/18/2004	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			SWERDLOW, DANIEL	
			ART UNIT	PAPER NUMBER
			2644	
DATE MAILED: 05/18/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,452

Applicant(s)

FREYMAN ET AL

Examiner

Daniel Swerdlow

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-35,37-49,51-66,68 and 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10,12-14,35,37-49,51-66,68 and 69 is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☒ Claim(s) 16-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujiwara (US Patent 6,088,599).

3. Fujiwara discloses: a public telephone network (column 2, lines 49-54) that corresponds to the central network claimed; fixed subscriber units (column 2, lines 33-43) that correspond to the access points claimed and are connected to the public (i.e., central) network (column 2, lines 51-52); wires (i.e., user lines) connecting wire telephones (i.e., user equipment) to the fixed subscriber units (i.e., access points) (column 2, lines 50-51); providing communication (i.e., selectively passing communication signals) between the public (i.e., central) network and the wire telephones (i.e., user equipment) (column 2, lines 52-54); providing power over the wire (i.e., connected user line) to a wire telephone (i.e., connected user equipment) (column 2, lines 36-38); detecting off hooking of the telephone (i.e., monitoring user line load) (column 1, lines 63-65) and supplying voltage and current to the telephone (i.e., dynamically adjusting power provided to the user equipment) in response to off hook detection (i.e., user line load) (column 2, lines 2-8); and an AC supply state (i.e., power supply status signal) that indicates supply state (i.e., operating status) of an external (i.e., main) power supply (column 3, lines 54-60).

Allowable Subject Matter

4. Claims 16 through 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

6. Claim 16 depends from Claim 15. As shown above Fujiwara anticipates Claim 15.

Claim 16 further claims a user line driver providing power and driving communication signals to the connected user equipment. Fujiwara discloses a speech circuit and constant current circuits (Fig. 2, reference 58, 59₁, 59₂) that provide power and drive communication signals to the wire telephone (i.e., connected user equipment). Claim 16 further claims at least one sensing unit sensing user line load. Fujiwara discloses a hooking detection circuit (Fig. 2, reference 63) that detects (i.e., senses) off hooking of the wire telephone (i.e., user line load). Claim 16 further claims a processing unit determining whether user line load is within operating load limits and updating line levels accordingly. Fujiwara discloses adjusting (i.e., updating) line voltage and current levels (column 3, line 60 through column 4, line 12) in response to power supply status and hook state (column 2, lines 2-8). However Fujiwara does not disclose adjusting line levels based on a comparison between line load and line load operating limits. As such, the prior art neither anticipates nor makes obvious the claimed invention.

7. Claims 17 through 34 are allowable matter due to dependence from Claim 16.

8. Claims 1 through 10, 12 through 14, 35, 37 through 49, 51 through 66, 68 and 69 are allowed.

Art Unit: 2644

9. The following is an examiner's statement of reasons for allowance:

10. Claim 1 claims a programmable access point for interfacing a communications network with communications equipment located at user premises. Rosenbaum (US Patent 5,323,461) discloses a telephone line interface circuit (column 2, lines 5-13) that corresponds to the access point claimed. Claim 1 further claims the access point comprises a line driver. Rosenbaum discloses a driver circuit and switching circuit combination (Fig. 2, reference 10, 11) that corresponds to the line driver claimed. Claim 1 further claims at least one sensing unit sensing the line driver load on the line driver. Rosenbaum discloses a sensing circuit (Fig. 1, reference 12; column 3, lines 36-37) that corresponds to the sensing unit claimed and provides signals representing the loop current (i.e., the line driver load) (column 3, lines 51-56). Claim 1 further claims a processing unit comparing the sensed line driver load with at least one operating load limit and generating a line driver drive level to the line driver in response to the comparison. Rosenbaum discloses a control circuit (Fig. 1, reference 15; column 3, lines 56-63) that corresponds to the processing unit claimed and monitors the loop current (i.e., compares the sensed line driver load with at least one operating load limit) (Fig. 5, reference 36; column 8, lines 41-64) and causes a desired voltage to be supplied (i.e., generates a line driver drive level) to the driver circuit that corresponds to the line driver claimed (column 8, lines 61-64). Claim 1 further claims a main power supply, a backup power supply, and a power supply status signal indicating operating status of the main power supply and the backup power supply, with the line driver drive level responsive to the power supply status signal. Ludeman (US Patent 6,233,335) discloses two power supplies (Fig. 2, reference Vbat1, Vbat2; column 2, lines 43-56) that correspond to the main and backup power supplies claimed. Further, Rosenbaum discloses

Art Unit: 2644

determination of low battery voltage (column 8, lines 27-29) that corresponds to the power supply status signal claimed and generation of a fixed voltage (i.e., line driver drive level) responsive to the determination. Fujiwara discloses adjusting drive level based on power supply status (column 3, line 65 through column 4, line 12). However, Fujiwara is directed to conserving power in a fixed radio subscriber unit operating in a reduced power availability mode where Rosenbaum and Ludeman are directed to avoiding unwanted power dissipation in wired subscriber line interfaces. As such, there is no suggestion or teaching of motivation to combine Fujiwara with Rosenbaum and Ludeman. Therefore, Claim 1 is allowable.

11. Claims 2 through 10 and 12 through 14 are allowable due to dependence from Claim 1.
12. Claim 57 is essentially similar to Claim 1 and is allowable for the same reasons.
13. Claims 58 through 66, 68 and 69 are allowable due to dependence from Claim 57.
14. Claims 35, 37 through 49 and 51 through 56 are allowable for reasons stated in the prior Office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

15. Applicant's arguments with respect to Claim 15 have been considered but are moot in view of the new ground(s) of rejection. Applicant has amended Claim 15 to include elements of Claim 31, which was indicated as allowable matter in the prior Office action. However, not all

Art Unit: 2644

elements of Claim 31 have been incorporated into Claim 15, nor have the elements of the intervening claims been incorporated. As a result, Claim 15 as amended constitutes an entirely new claim and, as shown above, is anticipated by Fujiwara.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

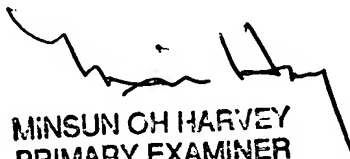
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER